

**MENOMINEE NATION**  
**MENOMINEE TRIBAL LEGISLATURE**  
**ORDINANCE NO. 03-17**  
**DEBT COLLECTION**

**FINAL APPROVAL**

**BE IT ORDAINED BY THE LEGISLATURE OF THE MENOMINEE INDIAN TRIBE OF WISCONSIN:**

1. **PURPOSE.** The purpose of this Ordinance is to expedite the collection of monies owed to the Menominee Indian Tribe. Nothing in this Ordinance shall be interpreted to preclude the Menominee Indian Tribe from taking other actions outside this ordinance, including, but not limited to, law suits in order to collect monies owed.
2. **DEBTOR CLASSIFICATION.** The Tribe shall create a list of persons who are "Debtors." No person shall be placed upon said list unless the following criteria have been met:
  - (a) A court order exists which orders a person to pay money to the Menominee Tribe, or
  - (b) A Tribal employee or agent designated by the director of a department or division of the Tribe which is owed money executes a sworn statement listing the name of the person owing money to the Tribe; the amount of money owed to the Tribe; a narrative surrounding how the debt was incurred and for what purpose; and the date on which the debt was incurred. Said employee or agent shall attach to this statement all pertinent documentation; and
  - (c) A designated employee or agent of the Tribe reviews the above referenced statement and determines that there is sufficient evidence that said person or persons owe the debt claimed; and
  - (d) A certified letter has been mailed to the person at his or her last known address with the statement referenced in Section 2(b) above attached requesting the person to either pay the debt in full, make alternate arrangements to pay the debt acceptable to Tribe, or dispute the debt in accordance with Section 3 of this Ordinance; and

- (e) The person has not disputed the debt in writing, or paid the debt in full, or made alternate acceptable arrangements with Tribe to pay the debt, or the person has disputed the debt, but has been determined to owe money to the Tribe pursuant to Section 3 of this Ordinance.

3. **DEBT DISPUTE.** Any person who disputes the amount of money alleged to be owed to Tribe pursuant to Section 2 of this Ordinance may ask the Loan Fund Committee to review the disputed amount and make a determination as to the amount of money owed Tribe, if any. The person disputing the debt may bring any relevant evidence to the attention of the Loan Fund Committee, and may request a hearing before the Loan Fund Committee for the purpose of presenting his or her argument. The employee or agent of the Tribe who signed the affidavit in regard to the debt shall attend this hearing if requested by the person disputing the debt.
4. **MAINTENANCE OF DEBTOR'S LIST.** The list of debtors created pursuant to Section 2 of this Ordinance shall be maintained by the Property Management and Acquisition Department. Said Department shall ensure that the list of debtors is accurate, and shall remove any person from the list who has paid their debt in full, or has made alternate arrangements to pay the debt acceptable to the Tribe. Any person removed from the list because they have made alternate arrangements to pay the debt acceptable to the Tribe shall be placed back on the list if they fail to meet their obligations under said agreement. The list of debtors shall be provided to all Tribal employees or agents who need the information in order to comply with this Ordinance.
5. **CONTRACTS.** No Debtor shall be eligible to enter into a contract with the Tribe for any purpose, including, but not limited to: contracts for goods or services, land leases, and loan agreements unless they have:
  - (a) Paid the debt owed in full; or
  - (b) In regard to a contract where the Tribe is paying Debtor for services performed, agreed to a clause in said contract authorizing the Tribe to withhold the amount due the Tribe; or
  - (c) In regard to any other contract, or lease, has signed a pay back agreement and wage assignment in a form acceptable to Tribe.
6. **FUTURE EMPLOYMENT.** No Debtor shall be hired as an employee of the Menominee Indian Tribe unless they have:
  - (a) Paid the debt owed in full; or

(b) Agreed to sign a wage assignment for an amount, and in a form acceptable to the Tribe; or

(c) Has a signed wage assignment, or other pay back agreement in place, and is current on the payments required pursuant to that assignment or agreement.

7. **CURRENT EMPLOYMENT.** The Tribe shall withhold Twenty Percent (20%) of the net pay of any Debtor employed by the Tribe unless such a withholding would violate applicable federal law. Said amount shall be applied toward Debtor's debt and withheld until the debt is paid in full. Withholding may be done pursuant to a wage assignment for an amount and in a form acceptable to the Tribe in lieu of this Section if Debtor agrees to such a wage assignment.

8. **PER CAPITA PAYMENTS.** The Tribe shall withhold any per capita payment due Debtor and apply that amount toward Debtor's debt; unless that payment is due a third party pursuant to Menominee Tribal Ordinance 85-22.

9. **STUMPAGE PAYMENTS.** The Tribe shall withhold any stumpage payment due Debtor and apply that amount toward Debtor's debt.

10. **BAD DEBT.** Nothing in this ordinance shall prohibit a department or division of the Tribe from writing off bad debt pursuant to applicable Tribal procedure or ordinance. Writing off such debt shall not act to remove a debtor from the debtor's list.

11. **SUPERSEDING EFFECT.** In any case where the terms of this Ordinance conflict with the terms of Menominee Nation Ordinance 82-10, 83-6 or 80-7, the terms of this Ordinance shall govern.

12. **DEFINITIONS.**

(a) "Net pay" means gross wages - federal, state, social security taxes.

(b) "Per capita payments" means Tribal payments made or offered to individual Tribal members from gaming revenues or any other source. The per capita payment shall be eligible for withholding regardless whether Debtor requests the payment or not: withheld and paid over to the Tribe and credited against Debtor's debt regardless whether Debtor requests the payment, or complies with any procedures related to obtaining a per capita payment.

- (c) "Debtor" means those persons who meet the criteria of Section 2 of this Ordinance.
- (d) "Contract" includes any agreement between the Tribe and a person where the Tribe makes a payment to the person for goods or services provided.
- (e) "Stumpage Payment" means payments made or offered to Tribal members pursuant to Ordinance 02-22. The stumpage payment shall be withheld and paid over to the Tribe and credited against Debtor's debt regardless whether Debtor requests the payment, or complies with any procedures related to obtaining a stumpage payment.

#### CERTIFICATION

The undersigned Officers of the Menominee Tribal Legislature do hereby certify that the foregoing Ordinance No. 03 - 17, Debt Collection, was duly adopted at a regular meeting of the Menominee Tribal Legislature held on October 2, 2003 at which a quorum was present, by a vote of 6 for, 1 opposed, 0 abstentions, and 1 absent.

The undersigned also certify that the foregoing Ordinance has been posted in accordance with the Menominee Constitution and Bylaws.

Joan R. Delabreau  
JOAN R. DELABREAU, CHAIRMAN  
MENOMINEE INDIAN TRIBE OF WISCONSIN

October 2, 2003  
DATE

Laurie Boivin  
LAURIE BOIVIN, SECRETARY  
MENOMINEE INDIAN TRIBE OF WISCONSIN